# DEMOCRACY ABROAD.

Its Bold Front in the British Empire.

ROYALTY ON THE WANE DECIDEDLY.

Trying to Coax the Irish Lion in Vain.

DISRAELI'S SCORN FOR THE JOINT HIGH.

Have President Grant and Secretary Fish Been Overreached by De Grey and His Colleagues?

CHARING CROSS HOTEL, LONDON, April 24, 1871. saw this spot, where I am writing for their information, but which, with the Langham, is a favorite resting place for the American who visits the British metropolis. The place combines American freedom with English comfort, and substantial

I have just now left the congenial society of the Hon. Auberon Herbert, brother of the present holder of the ancient Earldom of Carnarvon, who is a tory peer and a leading Freemason in this country. Mr. Herbert is unlike his brother, and in nothing more unlike than in political views and epinions. Mr. Herbert, by birth, education and means, is "noble," in the old acceptation of the meaning of that word. But he is the radical member of Parliament for the radical manufacturing borough of Nottingham, where the radical Mundells. was raised and now lives, and where A. T. Stewart & Co., of Broadway, have a branch establishment. The term "radical" here answers to the name "demecrat" with most of your home readers, Mr. Her-bert is a democrat then. He has avowed his be-

THE CURSE OF CASTE, pernicious growth in the White House at Washington, and even in the Fifth avenue of the City of Charities. He fully believes and devoutly hopes that QUEEN VICTORIA WILL BE THE LAST OF HER LINE. and that the House of Commons, with the Prime Minister at its head, will be in name as much as in fact the rulers and government of Great Britain and her dependencies. Twenty years ago this would have been treason. A member of the Fenian Bro-therhood saying half as much half as openly, but in Cork, would be in prison irons within five minutes after his utterances. There is, however, a silent but certain growth of political and social opinion and feeling in this metropolis, which has been maturing since the death of the late Prince Albert; and such opinion and feeling, not confined to any particular class or creed, is opposed to hereditary monarchy. The Queen, in her unfortu-Bate retirement, has had for years the strong and anhappy presentiment that she is the last occupant of the throne that has given so much wealth to her family in England and Germany. In an overtaxed mmunity the cost and utility of royalty are sure to be deeply scrutinized by the taxpayers, and more certainly so when representation accompanies taxa-tion, as by the effect of the recent Reform act it now does in this country. The licentious private life of his Royal Highness the heir to the throne, and the absence of indication, in any other member of the royal family, of developing qualities of fitness to govern a nation, are additional reasons for looking into the future for great and radical changes, which the hand of death may at any moment cause to arise. The undisguised want of sympathy expressed by the sovereign with the leading religionists on the one hand and the leaders of fashlon on the other induces expressions in return of pity and neglect. The only elever thing happening of late in connection with the Court of St. James was the leveiling down the royal marriage law, which proceeding has already set matroniy Peeresses to play the matrimonial game of speculation and foretell unions between

DEMOCRATIC PRINCIPLES are no longer valgar. The wealthy representative in Parliament of the centre of the slik trade here (Mr. Brocklehurst) recently astonished his hearers in a corner of the dining room of the House of Comons by forcibly arguing in favor of an elective versus an hereditary monarchy. Democratic clubs are forming in every manufacturing town, and the workingmen's trades unions, the largest in the world, are assuming their natural form and aspect of democratic institutions for promoting political

the grandchildren of the Queen with members of

aristocratic families in England and Scotland.

world, are assuming their natural form and aspect of democratic institutions for promoting political equality.

Megotiations are in progress for establishing a poyal residence in Ireland for the Prince of Waies. The whole thing is laughed at by politicians. The day has gone by for that sort of thing. Justice and conciliation twenty years ago would have wrought miracles in the gent island of the saints. But landlordism, red tapelsm, policeism and prisonism have done their work, and are still having their day, and indeed must continue to sway the destinies of old Ireland until the accomplishment of the old tory with that the Atlantic wave should spread over the country for twenty-four hours, that it might be repeopled by humble English peasants and skilful sootch farmers, which unholy wish may God frustrate. As was expected, this year is witnessing a TREMENDOUS EXODIS to the "dand of the free and home of the brave." We citizens of America hali with delight the emigration of the warm-hearted, laborious Irish people to the United States. We say, go and share those boundless lands, and in peace and matchless freedom every man shall enjoy his own homestead and worship his God under his own fig tree. Queenstown and Liverpool are swarming with emigrants, and it is well known by them how ably and considerately the noble city of New York provides for their reception and guidance when the broad ocean has been crossed.

In conversation with Sir Thomas Bazles, M. P., who represents Manchester, the emigration from

their reception and guidance when the broad ocean has been crossed.

In conversation with Sir Thomas Bazley, M. P., who represents Manchester, the emigration from Incland being alluded to, he shrewdily remarked that at least British mahuncturers and British shipsowners were gainers by the emigration. Instead of being steeped in poverty in Ireland these tens of shousands of emigrants are don'telyed, at their own cost or the cost of their friends or other associations, in British ships, to the great benefit of the owners of the vessels. Mr. Financial Secretary Boutwell will not suffer American shipwrights, American shipbuilders or American shipwrights, American shipbuilders or American shipwrights, and the profits that are now making Liverpool men millionnaires. Then, again, the Irish famply, when settled in the new country of adoption, become large customers of British manufactured goods. About

goods. About

Worth of one class alone of such goods for wearing apparel are leaving these shores this very month for New York and Boston. Thanks to Mr. Boutwell, the patron of British enterprise and the discourager American domestic trade, the silk, woollen, worsted and cotton looms in England were never so folly employed as they are this spring, and that owing to the immense shipments to the United States.

Notwithstanding the favorable condition of trade

States.

Notwithstanding the favorable condition of trade here there is an unsettled and awkward state of public feeling generally observable. Poor Mr. Gladstone is sadly worn and jaded in tone and look. The disintegration of his Cabinet has worked upon his very keen susceptibilities of temperament. The panic occasioned by the wonderful successes of the Prussian arms is quietly subsiding, and

JOHN BULL, VAINGLORIOUS,

now declares his ability to cope with any European enemy who may present himself. In the leading political club houses of the aristocracy and in the lobby and dining rooms of the House of Commons men speak now with confidence on subjects which a few weeks ago occasioned much alarm. The Gladstonians claim the merit of English diplomacy of having persuaded Fresident Grant to

DISGRACE THE VETERAN SUMDER.

to silence and extinguish the Fenian colebrations in Washington and elsewhere, and to withhold an Ambassador from St. James until a smoother way had been made by the Royal Commission. The crowning pioce of self adulation transpires when they assure their friends that we Americans have gained nothing by the fligh Commission beyond the harmiess indulgence vouchsafed to Washingtonian winers and diners who had supped and chatted with live lords and learned doctors of international law. I saw a mallcious grin playing upon the lips of Disraeli the other day when the successful labors of the High Commission were alluded to. If ever the convention escapes death at the hands of Sumner it will be killed by Disraeli and the tory opposition of the Gladstone government: unless, indeed, Gladstone and Grant mutually agree upon its strangulation. A leading supporter of the present government here, in stating his views, assured me that, in in any event,

ment here, in stating his views, assured me that, in in any event,

ENGLAND MUST COME OFF WITH PLYING COLORS as the result of the notding of the Commission; for, said he, if a pecuniary basis is to be acted upon, then we have Mr. Grant in a trap, because he has agreed to the full consideration of our offset claims for injuries to the persons and property of British

subjects who can the blockade. If apologies or moral and not material satisfaction is to form the basis, why, then, the sovereagns of Europe, whose nominees are to settle the question under the authority of the convention will doubties protect the lustre of the British crown for the sake of an ormanent which does not grace the head of the President of the United States. The Lord High Treasurer of the Queen's household, a personal Dieled of Lord De Grey and a brother Mason of high rank, holds great expectations that the ties of the craft will bind up the wounds of Combina—those wounds that the Alabama and other pirates infleted. There are not wanting those on both sides of the Alantic who deprecate any mixing of freemasonry with international politics. The sober men of each political side in London look upon the Commission as a sham and a delusion—se ving as political capital for Gladstone and Grant pro tempore, and to be thrown into oblivion without having served any international purpose.

THE INFLUENCE OF THE HERALD

On English Parliamentary opinion is becoming more and more remarkable. The varied character and authenneity of its news, the ability of its original expressions on passing events, its high moral tone and influential bearing upon the religions of the world, have made it approach to a cosmopolitan position in journalism that no other leaders of the press have hitherto dreamed of. It is as much looked jor at the great Reform Olib and the principal hotels in Jondon as any publication ever can be. And its influence is, beyond question, with the prond aristocracy of Belgravia. It is by no means infrequently quoted by speakers in both houses of Parliament, and athough the sources of their hormation is not invariably acknowledged, it is well known by their immediate friends and leading opponents from whence they obtain their hojiration and facts. May the prodigious power of the Heraldon is the strength of the house of diplomacy, to entrap the American Senate Into the adoption of a convention that would d

fade away and the dignity of man asserts itself, to obtain through impartial legislation the greatest happiness for the greatest number.

In the process of time, during which international law has grown, rules have fluctuated and conventional law has boldly encountered prevailing rules. Had Bismarck and Motike to deal with the presentation of the Alabama claims would any statesman in Gladstone's cabinet have dared to counter plead the claims of blockade runners and inland spies? And in the teeth of the fact that England is neither ready to commence a war nor ners and inland spies? And in the teeth of the fact that Highand is neither ready to commence a war nor able to continue one with our country, we are content to see a patriot discreced because he is patriotic, and removed from the position where his only fault was patriotism. Summer knows, because all the world knows, that war with the United States would mean for England provisions at starvation prices, manufactories closed, commerce arrested, rots by the people, abdication of the throne, stoppage of payment by the Bank of England and national ruin. To America it would mean one-fourth of the sacrifice made for the preservation of the Union in the last war, and complete vindication of national honor.

of the sacrince made for the preservation of the unional honor.

ENGLAND WILL NOT FIGHT
because she must not, and America cannot obtain her due satisfaction because she has not a sherman instead of a Grant, because citizens are engaged in the business of the hour and say they will not find time to support those who claim for the Stars and Stripes a foremost place amid the flags of nations. It remains then for the HeallD, as the people's ploneer in the path of national freedom and giory, to demand that the voice of the people shall be heard before any unholy convention is signed with those who pray for denationalization as a people and our extinction as a race. The Alabama claims can wait without lessening our commerce or reducing our influence in Europe. The day of necessity will come elsewhere, and that will be the day of opportunity for us, whose peaceful seamen cry from the bottom of the ocean, whither they were hurled as corpses by the relentless hands of pirates sent from the British sites in British ships freighted with British sympathics, British gold and British rifles and revolvers.

### THE M'CAHILL WILL CASE.

A Temperance Lecture from the Surrogate's Court.

The proceedings in the Surrogate's Court yesterday morning, in the McCahill will case, before Surrogate Hutchings, were rendered quite interesting by the testimony of several medical men who had made the effects of intemperance their

HETTER TEMPERANCE LECTURE
than could be heard from the lips of the most ardent improfessional advocate of total abstinence.

The first witness was Dr. Thomas C. Finnell. He depose.

fessional advocate of total abstinence.

The first witness was Dr. Thomas C. Finnell. He deposed that he knew the deceased in his lifetime. This gentleman said that he had known several intemperate men, and the result of his experience was that intemperance impaired the human intellect and totally

UNFITTED A MAN

for the ordinary business of life; the effect, he said, of habitual drunkenness on an old man of seventy-two years of age would be to enfeetlis his mental capacity in all respects; it would render him "clouded and obscure" and incapable of comprehending things properly; intoxicating drinks had various effects upon various individuals; some would be little affected by it and others affected to a great degree; a robust, healthy man, of active business habits, will not be as much affected by it and others affected to a great degree; a robust, healthy man, of active business habits, will not be as much affected by it atmoprates habits as a weak, inactive man, leading a sedentary life; much, he continued, of the deleterious effects of drunkenness depend on the length of time during which the vice of litemperance is indulged, by the age of the individual and the general health of the person at he time he set out on his career of habitual drinking.

Dr. John H. Smith, who testified that he was a physician of forty-four years' practice, gave similar testimony. This witness dud not know Bryan factability and health of the person at he time he set out on his career of habitual drinking.

Cornelius Modishon was the modern of continued to the will, and health of the person and the conversation about the will, and health of the depression of the leader of deferming to excess.

Cornelius Modishon was the modern of continued the conversation about the will, and hearth of Modhill held conversation about the will, and hearth of Modhill held settled; the witness said that be himself reiterated "keep away, as a hough the words were deeply significant.

Dr. Phillips, a physician for fourteen years, and another medical ex

the different effects of intemperance on people of different constitutions, and onlished his testimony by saying that when once A MAN LOST HIS REASON by drink there was very little prospect of his ever recovering it.

A Mr. Smith deposed that he knew the deceased for a long time, and that he has 'routepily' seen deceased under the influence of liquor; the witness assu that he used to take his own "buildy" at Carroll's liquor store, and had frequently seen deceased drunk; in a conversation a week before his death with the deceased on the latter asked him to take a drink, which he refused: the deceased on that occasion spoke rationally and was sociable, but appeared to be a little under the influence of liquor; on tast occasion, in conversation, the deceased said to him that he believed he was in his last liness, and that he was going to die; he further added, "I know there are some anxious for my death, as there are plenty of people

WAITING FOR MY DOLLARS."

Dr. Carnochan, the fleath Officer of the port, and other scientific experts were subpontated, but did not appear. The cases was adjourned until eleven o'clock to-day, when they will be examined and the confestants will close their case. It is expected that some interesting facts will be developed.

### THE NATIONAL GAME.

One of the Finest Contests of the Season-Defent of the Eckfords by the Athletics of Philadelphia. The Philadelphia Athletics and the Brooklyn Eckfords

met on the Union Grounds yesterday afternoon, for the first time this season, and the result was a fine exhibition of the beauties of the game, and the defeat of the Brooklyn boys by a score of 10 to 4.

The following is the score:—

The following is the score:

Players, K.IB.T.PO.A. Players, R.IB.T.PO.A. Cuthbert, i. f. 4 8 4 1 0 W. Alison, 1st b, 0 0 6 0 W. Alison, 1st b, 0 0 6 0 W. Alison, 1st b, 0 0 6 0 W. Alison, 1st b, 0 0 1 1 0 1 katching, s. 0 1 1 8 4 Nelson, 3d b 0 1 1 4 2 Maione, c. 0 3 2 6 0 Getiney, i. f. 1 0 0 3 0 Pisler, 1st b. 1 3 6 13 0 Swandell, 2d b 1 2 3 3 0 Swandell, 2d b 1 2 3 3 0 Swandelrer, c. 1 0 0 2 b Hicks, c. 0 1 1 7 0 Scnsenderfer, c. 1 0 0 2 6 Baydor, r. 0 0 0 1 0 Warrie, 3d b. 1 1 0 6 Holdworth, s. s. 0 0 0 4 d Houbel, r. 1 1 1 0 0 Sheiley, c. r. 1 1 1 0 0 

The Rose Hills and the Aleris played together Monday afternoon at Fordham. The following is the score by in-

# PRINCE BISMARCK ON FRANCE.

HIS SPEECH IN THE REICHSRATH

What He Thinks About the Troubles in France.

No French Territory or Fort to be Evacuated Until the Conclusion of a Definite Treaty.

The Dangers from an Accumulation of French Forces-The Increased Expenditure of Germany-No Faith in French Promises-No Inter erance in France Unless the Interests of Germany Are Endangered.

Prince Bismarck made the following speech in the

Reichsrath on April 24:—
As I could not be present at the last debate on this question, I now take the liberty to give some explanations regarding the situation. The united governments hoped, at the conclusion of the pre-liminary peace at Versailles, that the execution of this treaty as well as its completement by a definite treaty of peace would not meet with any further difficulties. They therefore thought it unjustifiable to make new fluancial demands in this session of the Reichsrath, as they were led to hope that the payments for the support of the Germann army of occupation as well as the first instalment of the war indemnity would be made with the supulated regularity by the French government. I have learned that the French government had a short time before the outbreak of the Paris revolt taken measures to pay the two first teichsrath on April 24:-

the German army of occupation as well as the first instalment of the war indemnity would be made with the supulated regularity by the French government had a short time before the outbreak of the Paris revoit taken measures to pay the two first milliards of the war indemnity in a comparatively short time, in order to bring about an important reduction of the army of occupation, which was made conditional upon the first payments. By the way, in order to clear up a widespread misunderstanding, I shail nere remark that the mere payment of haif a milliard by France would not lead to any evacuation of territory, not even to that of the torts around Paris. The fulfilment of another conditions is necessary for that, viz:—the definite conclusion of peace when must precede it. Having found the control of the preliminaries.

I have been also of the preliminaries.

I have been also of the preliminaries.

I have been also of the preliminaries.

I capture allemandes, stopiered graduellement après la ratification du tratté de pate destantité et patement du premier demi-milliard. (The evacuation of the departments stituste mire la vice droite de la Sesne et la frontier de l'Est, par les troupes Allemandes, stopiered graduellement après la ratification du tratté de pate dendité et patement du premier demi-milliard. (The evacuation of the departments stituated between the right bank of the Seine and the Eastern Frontier by the German troops will take place gradually after the definite ratification of the treaty of peace and the payment of the first instalment.) The present which this stipulation ought to exercise upon the early conclusions of definite peace has hitherton to been effective. I cannot say that the negotiations at Brussels are progressing as rapidly as I should have expected under the present direction and the finite peace has hitherton been defective. I cannot say that the region and the finite peace has hitherton of the present direction and the finite p stipulations. Having renounced to these guarantees, our obligations to return the prisoners ecases as a matter of course—that is to say, our obligations will only then enter into force when they will be able to hull the counter stipulation not to keep any forces between the Seine and the Loire. According for our promise we proceeded with the liberal process of the present of the

The Manhattan Cricket Club open play next Saturday on their grounds, foot of Ninth street, Hoboken, Wicket pitched at one o'clock share.

## THE COURTS.

An Admiralty Case-Violation of the Internal Revenue Law-A Stock Transaction-Real Estate Controversy-The Breach of Promise of Marriage Case-What Constitutes a Probable Cause of Action-Liability of Bonded Warehouse Men.

UNITED STATES DISTRICT COURT-IN ADMIRALTY. Collision Case.

Before Judge Blatchford.
The case of the sloop Catherine Wyant vs. the scho Carolina, for damages sustained by reason of a collision,

UNITED STATES COMMISSIONERS' COURT. Charge of Selling Lottery Tickets.

Before Commissioner Shields.

The United States vs. R. E. La Suts.—The defendant was held in \$1,000 bail to await the action of the Grand Jury on a charge of selling lottery tickets without license.

# SUPREME COURT-SPECIAL TERM.

Dauiel Drew Not Always Successful in Railway Stock Speculations, but Better of

Steamboats. Henry B. Norton vs. Daniel Drew and E. D. Stanton.—In 1860 the defendants were stock brokers. At this time the plain-tiff was a wealthy bachelor, which he may be yet, and rethe defendants were stock brokers. At this time the plaintiff was a wealthy bachelor, which he may be yet, and resided at Norwich, conn. Being on friendly terms with Daniel Drew and having great confidence in the latter's skill as a stock operator, and a few thousand ready cash on hand, he purchased 2,500 shares of Kire Railway stock. Mr. Drew was to do the buying and selling on their joint account, but before using no took in his partner as a partner in the transaction, with the understanding that one-half the profits were to go to the plaintiff and the other one-half the profits were to go to the plaintiff and the other one-half to the defendants, share and share alike. Mr. Norton went to his mrai abode and dreamed to becoming a millionnaire. In a few months he was started by receiving a statement of accounts regarding this 2,500 shares of stock and loss of \$22,000 no he was fasted to him. This did not please him, and he was started by receiving a statement of account progress of the sales and purchases. However, he notice the latter of it, and having 300 shares of the New Acres State of the sales and purchases. However, he notice the same to favore them to the manufacture of the sales and purchases, the work has a share, introd them over to Mr. Drew with the account as he alleges, that whatever Mr. Drew was centified to control on account of \$5,000 he owed him on a former transaction was to be retransferred to him at sixty dollars a share; that Drew, stanton & Co, were to collect the dividends on the shares and place the same to his credit in reduction of his indebtedness on the Erle Railway slock matter, and that he was to be entitled to a retransfer of the stock on paying the difference between the amount of dividends and the \$8,000 and got back 115 shares of the stock, the defendants, as he alleges, refusing to carry out their agreement as regards the remainder of the stock. Meantime the war came on and stamboat stock went up immediately. The plaintiff now claims the benefit of this rise and the dividends

#### SUPERIOR COURT-GENERAL TERM.

Question of Title to Uptown Property.

Before Judges Barbour, Spencer and Freedman.

Henry Bowers v. William H. Arnold.—The defendant is in plaintiff claims that he is owner of the same and recites conveyances as far back as 1846, the last in the series being conveyances as far back as 1845, the last in the series being to himself. On the part of the defendant a long line of transfers of this property is also cited, cuiminating with like result to himself. A thogether it is a curious case, the facts of which were fully given in the HERALD at the original trial before Judge Jones, and which it is unnecessary to restate. The defendant casms through a Sheriff's sale of the property, and the plaintiff insists upon having redeemed the same. The whole matter turns upon the question of a failure or otherwise to fill the paper of redemption. There was a lengthy argument, when the Court took the papers.

### SUPREME COURT-CHAMBERS.

Decisions. By Judge Ingraham.

Getty vs. Bensee.-Memoranda.
Peters vs. Delaphaine et al.-Motion granted. Bemelmans vs. Garrish,—Memoranda. Holyoke et al. vs. Adams et al.—Motion denied.

Hall v. Ridgiery.—Motion granted.
Fidel v. Patterson.—Allowance of \$100 granted on one motion and memoranda in the other.
Miller et al. v. The Combination Brick Pacing Company.—Motion granted.
Rodaran v. Jane.—Motion granted on payment of costs of term and motion and on defendant stipulating to try at June circuit. The case to be placed on calendar for that circuit in order.

Circuit. The Case to be placed and the content of the content of the Company.—Motion granted.

Siay for torty days.

Forlew. Shurr.—Motion denied.

Winchell vo. Winchell.—Reference ordered.

By Judge Brady.

Society for the Reformation of Juvenile Delinquents vo. Albert Diers.—Order settled.

Roberts vo. Burdell.—Same.

Evit New York and Junicies Railroad Company vo. Elmore.—Same.

Et fon ve. Murray et al. - Same. SUPERIOR COURT-SPECIAL TERM.

The Gentile Who Would Not Become a Jew. Before Judge McCunn.

Amelia Oppenheimer vo. Charles Peters.—This case, brought for alleged breach of promise of marriage and seduction and in which it will be remembered the defendant refused to

and in which it will be remembered the defendant refused to become a Jew, the only condition upon which the plaintiff would marry him, came up again this morning. The plaintiff at'll adhered to her resolution, and thereupon the Judge or-dered the defendant's discharge from the Ludiow Street Jail on his giving \$100 bonds. Decisions.

Before Judge McCunn. James O' Brien vs. Rich and Thieli. - Order granted.

Strang vs. Libby. -Same. Wilson vs. Wadeworth.-Same. n usan vs. redecorn.—Same.
Mary Legi-en vs. Louis Buscher.—Same.
M. F. T. Thompson vs. Hirom Benner.—Same.
Elizabeth Houndow vs. Hirom Benner.—Same.
dered.
E.hardt Ruscher vs. Frederich Klein.—Order granted.
Cyrus F. Woode vs. John K. Builey et al.—Same.

# Albert D. Bishop vs. Philip Hayes. - Findings settled.

MARINE COURT-PART 2. What Constitutes Probable Cause of Action.

Before Judge Shea.

Esther Wyckoff vs. Francis Martin.—This case, it will be re-Ether Wyckoff vs. Francis Martin.—This case, it will be re-membered, was tried early last month, when the jury failed to agree upon a verdict. The plaintiff, while engaged as nurse in the defendant's family, was accused of purioining a watch and other jewelry. This she denied, was searched

nurse in the defendant's family, was accused of purioning a watch and other jewelry. This she denied, was searched at her own request, went home and some days afterwards was arrested, taken before Justice Kelly, a charge preferred, held to bail, and finally discharged. She lays her damages at \$25,000. Yesterday the case came up again, and the plaintiff's evidence, as presented, was substantially as before. Defendant's counsel moved for a nonsult, which was granted.

The Court, on granting the nonsult, remarked:—It is not the innocence of the plaintiff that is in issue here; that is conceded. The dismissal of the charge against her by the police magistrate, after a long and careful examination, fully vindicates her good reputation; but the question for us to try is, did the plaintiff maliciously and without probable cause institute these crimmal initiatory proceedings against her to her injury? The defendant did not charge the plaintiff with committing a theft as within his own knowledge, but stated a concurrence of circumstances from which he inferred that there was probable cause to suspect her as being the person that had taken the watch and jewelry. There is no imputation that the defendant, in presenting this charge to the magistrate, falsely stated any of those circumstances or withheid any information. It presents a case of a person who had suffered a loss of property instituting an inquiry in a legal manner before the proper tribunal against a person whom circumstances indicated as the person likely to have committed the offence. It required the subsequent examination before the following the first had the magistrate deliberated from the 19th of April to the latter part of December upon that examination before the felt himself justined in dismissing it in Itself indicates that the want of probable cause does not exist. For these reasons there is nothing to be left to the jury. Principle and authority althe concur in this disposition of the case. I order a verdice concur in this disposition of the

### MADINE COURT-PART 3. Liability of Bonded Warehousemen.

Einbility of Bonded Warehousemen.

Before Judge Gross.

Juckson ev. Echererria.—This action is brought by the plaintiff, who is the owner of a bonded warehouse in Washington street, to recover the som of \$150 for storage on 200 bales of saraparilla. It is claimed on the part of the plaintiff that when the sarsaparilla was received part of it was totally damaged, part was slightly damaged, and part was perfectly sound; that they took as good care of it as of the other goods, and that they were entitled to the legal storage fee.

The defendant, while admitting that part of it was damaged, claimed that the plainting packed all of the bales together, against his instructions, thereby injuring those which were sound to such an extent, that it amounted to more than the storage; and asked judgment in his favor.

The Court reserved its decision.

#### COURT OF GENERAL SESSIONS. Before Judge Bedford.

ALLEGED LARGENY BY A PLUMBER—AN HONORABLE ACQUITTAL. ACLIEGED LARGERY BY A PLUMBER—AN HONORABLE ACQUITTAL.

Testerday Christopher F. Mullin was placed upon trial, charged with stealing a gold watch and chain on the 8th of Aprill from a burean drawer in the house of John M. Tobio, No. 57 East Thirty-fourth street. The testimony was that the accused was employed to do some plumbing work, and that soon after he left the watch was missed. It was skown, however, that, besides the servants in the house, a painter was also employed there at the time Mullin was working. Several highly respectable gentlemen were examined, who gave the accused an excellent character for honesty, and, after the case was clearly put to the jury by the City Judge, they rendered a verdict of not guitty. The defendant must have had a host of friends in court, for as soon as the forman announced the verdict they gave vent to their approbation by loud applause.

The DEATH OF MR. GALERATH.

man announced the verdict they gave vent to their approvation by loud applause.

THE DEATH OF MR. GALERAITH.

Before the court adjourned Assistant District Attorney
Soilivan announced the death of Benjamin Galbraith, and in
doing so spoke of him as a lawyer who was faithful to his
cilents, among whom were some of the most eminent men in
the city. For a great many years he was the attorney representing the journal that occupied such a conspicuous and
prominent place in this community and in the country—the
NEW YORK HERALD—ma, and (Ar. Sullivan) always understood, deceasedhad enjered the confidence and respect

f Mr. Rennett, than whom there was no more sagacious

Judge of men.

After a few words of eulogy from Mr. Howe,
Judge Bedford said he heartly concurred in the remarks
that had been made, and that the late Mr. Galbraith was
highly respected during a long professional career in this
city. He left behind him an honest name and an honorable
record. As a token of respect to his memory the Judge
ordered the court to be adjourned and the motion to be entered upon the minutes.

### COURT CALENDARS-THIS DAY.

COURT CALENDASS—THIS DAY.

BUPREME COURT—CIRCUIT—Part 2—Held by Judge Rrady.—Nos. 268, 142, 380, 190, 82, 3634, 384, 905, 72, 38, 228, 266, 1074, 28, 35, 156, 1474, 173, 216.5, 22446.

BUPREME COURT—SPECIAL TERM—Held by Judge Sutherland.—Demurrer.—No. 8. Law and fact—Nos. 66, 409, 100, 131, 134, 134, 138, 136, 138, 80, 142, 143, 144, 145, 146, 146, 146, 160, 162, 155, 156, 158, 159, 101, 101,5, 69, 247, 114, 59, 95, 99, 44. BUPREME COURT—CRAMERRS—Held by Judge Cardozo.—Nos. 40, 88, 103, 104, 123, 132, 164, 171, 178.

Nos. 40, 68, 85, 103, 104, 123, 152, 161, 171, 178.

BUPRIOR COURT—TRIAL TRIM—Part 1.—Held by Judge Suren.—Nos. 507, 82, 623, 717, 517, 797, 980, 808, 808, 809, 817, 313, 815, 81845, 826. Part 2—Held by Judge Monoil.—Nos. 644, 610, 576, 596, 283, 383, 3255, 768, 170, 712, 718, 720, 724, 725, 723.

COMMON PLASS—TRIAL TRIM—Part 1.—Held by Judge Shea.—Nos. 16945, 430, 68, 332, 364, 735, 344, 528, 61, 63, 961, 962, 509, 270, 229.

MARINE COURT—TRIAL TRIM—Part 1.—Held by Judge Shea.—Nos. 5446, 5830, 5634, 5678, 5606, 5684, 5589, 5505, 5631, 5683, 5707, 5703, 5704, 5708 to 5714, inclusive, 5717, Part 3.—Held by Judge Gross,—Nos. 5616, 5676, 6212, 6417, 6446, 6466, 6467.

#### COMMISSIONER OF APPEALS.

The following is the calendar of the Commissioner of Appeals for Wednesday, May 10—held at the new Court House:—Nos. 114, 115, 116, 117, 111, 16, 21, 23, 26, 110, 118, 119, 120, 28, 113.

## THE GREAT TOBACCO CASE.

Resume of the Facts and Verdict of the Jury-One Hundred and Four Thousand Dollars for the Government-An Appeal Contem-

The United States no. A Quantity of Manufactured Tobacco \$\tilde{\text{dec.}}\_i/\text{ound} at 219 Washington street, \$C. H. Lilienthat, Claimant.—
This case, reported in the Herald of yesterday, occupied the attention of Judge Blatchford and a jury for a whole nonth. As the matter investigated is an important one, we

give a brief resume of the facts.

As already announced, there was a verdict for the government, condemning the property, which was appraised in the sum of \$104,000. The government sought to condemn the goods under the forty-eighth section of the Internal Revenue law. It was alleged that the property, consisting chiefly of manufactured tobacco, was held by Mr. Lillenthal, the claimant, with intent to sell and remove the same in fraud of the revenue law, and for the purpose of avoiding payment of the taxes due on the tobacco. Mr. Simons, United States Assistant District Autoriev, first endeavored to establish from the books of account kept by Mr. Lillenthal that more tobacco had been sold and removed from his establishment than he had paid taxes on; but this was not very clearly shown, if shown at all. He showed, however, that in March, 1885, Mr. Lillenthal returned a large quantity of tobacco as sold, and on which the tax had been paid, when in reality it had not been sold at all. The copiect of this, on the part of Mr. Lillenthal was to avoid an anticipated increase in the tax on the lat of April, 1865. He had sold in 187 a large quantity of the same tobacco without again returning it to the officials of the government claimed to be highle to forty cents per pound, and also that it had been his practice to return large quantity of the same tobacco without again returning it to the officials of the government claimed to be highle to forty cents per pound, and also that it had been his practice to return large quantity to the self-under the property of the part of the defendant it was claimed that Mr. Lillenthal had a right to do as he did—to return his goods as sold and pay duties thereon before they were due, even if by doing so he avoided an expected increase of the amount of fact, there was no such increase in the duty upon tobacco in tax he should have to be responsible for, and that, in point of fact, there was no such increase in the duty upon tobacco in tax he should have to be responsible for, and that,

ject.

The jury were in consultation about five hours, and finally rendered a verdict of condemnation. The jury were in consultation about five hours, and finally rendered a verdict of condemnation.

A stay of proceedings was obtained by counsel for claimant, with the view to pripare a bill of exceptions to the rulings of the Judge on the points raised on Mr. Libienthal's behalf and on some others arising out of the testimony. The case will immediately go to the Circuit Court on appeal, and, if there decided against the claimant, to the Supreme Court at Washington.

Counsel for the claimant, Benjamin K. Phelps and Messrs. Harland and Rolland; for the government, United States Assistant District Attorney Simons.

### THE SECOND AVENUE HOMICIDE.

Trial of Michael Martin for the Alleged Murder of Patrick Walsh-The Case to be Submitted to the Jury To-Day by Judge Bed-

After the transaction of some preliminary but day in the Court of General Sessions, before City Judge Bed-ford, Assistant District Attorney Sullivan moved on the trial of Michael Martin, indicted for the murder of Patrick Walsh on the 17th of March, 1870, when, as was alleged by the pro-secution, the prisoner took the life of the deceased by stab-bing him with a knife. Counsel in his opening address to the jury claimed that he would present such a state of facts as would, in his judgment, clearly establish the crime of deliber ate and wilful murder.

The first witness called for the prosecution was Eliza Welsh, wife of the deceased, who testified as follows:—My

husband, on the morning of the day of the murier, went to work as usual, and came home about two o'clock in the afternoon; witness went out to get deceased a match to inhis pipe, and stepped into a Mrs. Mahony's room, on the same floor, for that purpose; as I stepped to her door the prisoner came up and said there the witness was violently agitated; "Now I am ready for any son of a b-h!" at this time my husband came out to look for me, and went down the stairs about three steps; the next thing I heard was an orciamation from my husband of "I'M STABERD! I'M MURDERED! OF, MY LITTLE ORILIBER!"

"I'M STABBED! I'M MURDERED! OB, MY LITTLE CHILmy husband came to me after he was stabbed, and as he did
so the blood gushed out on me; he fell at the outside of Mrs.
Mahony's door; the prisoner ran down stairs; I went after
him; picked up his cap, covered with blood, and as I did so
said, "Did you do this? did you murder Pat?" "Yes," he
answered, "and I'll kill you foo."

THERE WAS A DIFFICULTY
between my busband and Martin before the murder on account of some ceiling failing down on our little chid, cutting
her leg, and my husband said when he caught Michael Martin
out hed dix him, or words to that effect; there was some eilincuity also about the wife of Martin, who was addicted to hard
drinking, and my husband did not want her to come into our
room, and three weeks previour to the murder my husband
put Mrs. Martin out of our room wille she was under the influence of liquor; Martin and his wife used to come out on
the Janding and

cuity also about the wife of Martin, who was addiced to hard drinking, and my husband did not want her to come into our room, and three weeks previour to the murder my husband put Mrs. Martin out of our room while she was under the inches of higher and the most of the deading and the husband and Martin had several times called each other some hard names.

Counsel for the defence here asked some questions calculation of the come and rake up long buried domestic differences which had normed the counsel that the witness was not on trial.

Jane Anderson, who lived on the same floor with Weish and his wife, testified that on the 17th, between two and three in the affersonou, the deceased fell against her door and stabbed? She of the deceased fell against her door and stabbed? She of the hall, with his hand full of blood; there was blood also on his hat; Mrs. Weish took the bat and cap and belt found in the hours; saw an olicer afterwards arrest the prisoner; heard of some cifficulty having occurre between Weish and Martin, but never knew of any ill. Others Kilbern said that when he was standing on the corner of Twenty-ninth street and Second areons, on the 17th of March, he saw a lot of men and women following the prisoner, heaving in the rate and Second areons on the 17th of March, he saw a lot of men and women following the prisoner, heaving the same than the prisoner was running towards the river, and he (the efficient rain after him and the same than the had in it replied that it was a knife; he handed it to the officer, who saw that there was fresh blood upon it; the blade was shout as long as an ordinary stade second fager; the officer who saw that there was fresh blood upon it; the blade was shout as long as an ordinary stade second fager; the officer who saw that there was fresh blood upon it; the blade was shout as long as an ordinary stade second fager; the officer who saw that there was fresh blood upon it; the blade was shout as long as an ordinary stade conditions.

The deposition of Dr. McBurney was re

cry for help, and that Mrs. Walsh swore falsely when she said that he the prisoner) said, "Now I am ready for the son of a b—h." The accused stated that he was compelled upon two previous occasions to seek protection from the violence of Walsh at the station house.

Officer Killeen was recalled and positively swore that the prisoner was running when he arrested him, and that he used the language which he (the officer) testified to upon his direct examination.

the introduce which he (the onner) testines to the coal business, said that he was in the coal business, said that he had known Martin about four years and a half, and that he was a quiet and peaceable man.

Dr. Since was called by the prosecuting officer to prove the fact that he saw Walsh, whom he should suppose was a man about five feet at inches in height.

This closed the testimony on both sides.

Mr. Howe offered to submit he case under the charge of the Court, but Judge Bedford remarked that in a case of alleged murder in the first degree it was preferable to have the counsel address the jury, which they could do in the morning.

### OBITUARY.

We announce to-day the death, at an early hour yesterday morning, of Benjamin Gaibrauth, an old citizen of this city and a prominent member of the New York bar, who had been for many years professionally connected with the HERALD. Mr. Galbratth was a native of Scotland, and was born at Greenlaw, in Berwickshire, about the year 1795. He came from a highly respectable famwilliam having been a teacher of mathematics in Edinburg and the author of 'Gaibraith's Mathematical Tables," and other scientific works. The deceased studied at the University of Edinburg, and at an early age evinced great aptitude for mathematical studies, and so proficient was he in his exercises that he attracted the attention of Professors Wallace and Leslie, the lat-ter being Sir John Leslie, the celebrated mathematician and writer on natural philosophy, who was

After a severe competitive examination Mr. Galbraith was elected teacher of mathematics in Heriot Hospital, Edinburg. He remained here about eight years, performing his duties with ability and success, and giving general satisfaction to the governing authorities. On resigning he came to the United States. This was about the year 1829. Immediately after his arrival he was appointed Principal of the Mechanics and Tradesmen's School of this city, then located in Chambers street. Quite a number of our now prominent citizens were his pupils, and all unite in representing him as having been an ex-

knighted on the 27th of June, 1832.

of our now prominent citizens were his pupils, and all unite in representing him as having been an excellent teacher. On his retirement from the school Mr. Gaibraith bought a farm near Bundan, Pa., on which he resided three or four years, at the expiration of which time, finding that agricultural pursuits were unsuited to his tastes, he gave up the larm and returned to New York.

On returning to the metropolis Mr. Gaibraith entered the law office of David Graham, where he studed for the legal profession, and in 1840 was admitted to the bar. His success was so decided from the start that he may be said to have entered upon a hierative practice at once. In 1843 he was appointed regular counsel for the Naw Yoak Harald, a position he held to the day of his death, and the numerous duties attached to which were performed by him with noteworthy ability and success. Mr. Calbrath was one of the most thoroughly learned lawyers of this city. Believing that a knowledge of all the parts was necessary to proficiency in the Whole, he dd not despise the minor details of his profession, which are so often neglected by other eminent members of the bar. He was a master in the art of pleading in actions for libet. He was not an orator in the popular sense of the word, but his legal arguments were always full of solid facts, grouped together with great skill and judgment, which did not fall to impress both judges and Juries with the merits of the cases he represented. As a consequence he seldom lost a suit—and he was concerned in many of the most important ones which have been before the courts of this city.

Mr. Galbraith was a thorough Scotemman in his appearance and manners. His features were not without a certain hardness and raggedness often seen in the Scotch; but as is the case with many of his countrymen the hard exterior merely concealed a tender heart and a gentie hand, which never wearied of doing benevolett deeds. He was, in fact, just such a Scotchman as we meet with and read of every day—a man stern and unbending in t

Prince Henri de la Tour d'Auvergne. A cable telegram mentions a report of the death of Prince Henri de la Tour d'Auvergne, of France. We trust that the report is unfounded, as he was a man of decided ability and one whose services

might be required by his country before long. The Prince was (supposing him dead) descended from one of the oldest and most illustrious of French families, dating his descent nearly one thousand years back, from Alfred, created Count of Auvergne by Charles ie, in the ninth century. There are ver few families in Europe who can boast of so long a line of distinguished ancestors as can the family of the late Prince.
Prince Henri Godfrey Bernard Alphonse, calef of

the branch of Lauraquais, into which his house has merged and is now known in France as that of de la Tour Auvergue-Lauraquals, was born at Paris on the 23d of October, 1823. His father was Paris on the 23d of October, 1823. His father was Prince Charles Meichior Philippe Bernard. As the young man grew to manhood he imbibed those Napoleonic sentiments which M. Thiers did so much to propagate in his histories of the Consulate and the Empire. He was, therefore, prepared for and favorable to the revolution of 1848. The Prince, however, was not a republican, and he aided by the inducace of his name in overthrowing the republic, One of the first to give in his adhesion to Napoleon after the coup d'étai, he was at once taken into the impertal favor, and in a few years was created a Senator of France. In the Senate he distinguished atmself by his liberality of sentiments, while at the same time giving the Emperor a steady and consistent support. But anthough aiways prominent in the political affairs of France, he held no diplomatic position until 1863, during which year he was appointed Ambassador Extraordinary and Minister Plenipotentiary to the Court of St. James, and in September of the same year presented his credentials and entered upon the discharge of his duties, which, it must be said, were performed with marked ability. After the outbreak of the late war with Germany and the overthrow of the Ollivier Ministry he was recalled to Paris to accept the more responsible position of Minister of Foreign Affairs. A few weeks later the empire was overthrown and he returned to private his.

Prince de la Tour d'Anvergne married in Angust, 1851, Emilie Céleste de Montauit des Hes, by whom he had a son, born in June, 1852. His wite died at Florence on the sta of March, 1857, and he never married again. By his death Napoleon loses one of his abiest and most liberal-minaed supporters and France a devoted and patriotic citizen. Prince Charles Melchior Philippe Bernard. As the

Death of a Well Known Citizen.

#### SIDNEY MASON died at his residence, on Fifth avenue, on Monday evening, in the seventy-second year of his age. He was one of the oldest residents of

that avenue and long identified with the business and social life of the city. The funeral takes place on Thursday moraing, at half-past nine o'clock.

### TROUBLES OF A CORPORATION.

A New York Silver Plating Company at Swords Points in Jersey.

Under the general corporation act of the State of New York there was organized some time ago a silver plating Under the general corporation act of the State of New York there was organized some time ago a silver plating company. Among the directors were General Joseph Hooker ("Fighting Joe") and Professor S. B. Morse, of telegraphy fame. The patenice of the system of silver plating used in the concern, Mr. Thomas Lippiatt was appointed superintendent, with Professor Morse as president. The office was opened in this city and the works established in Newark, N. J., where the concern has been manufacturing for some time past. Recently some difficulty arose in the Hoard of Directors. The latter was increased from nine to thirteen, and then the real internal troubles commenced, Finally there was an election of a new set of officers, with Mr. Lippiatt as president and superintendent. He was in possession of the works.

On Monday, when he got to the works, he found the place had been breken open, and General Shepherd, Mr. Charles H. Lewis and a Major Hart in possession. They claimed to be the may officers elected and demanted Lippiatt to surrender the keys. He declined. Subsequently they forcibly ejected him. This attracted the attention of the police, and the whole party of belitzerents were marched to the station bouse, and bound over in \$300 each to keep the peace. Since then warrants have been issued by Justice Nument for the arrest of Lewis and Hart, charging them with assaulting and beating Lippiatt and a Mr. David Barnett, Lewis was arrested and balled, and Hart is atill "wanted." An effort will be made to have them indicated, Meanwhile, the affairs of the concern will have to be settled by the Court of Chancery. The property is worth \$300,000 or 50.

Bold Attempt to Break Away from the New-

Bold Attempt to Break Away from the Newark Court House.

Yesterday afternoon a bold prisoner named William McCabe, charged with forgery, made a desperate dash for
liberty from the prisoners' room of the Essex county Court
House at Newark. White the constable in charge was passing
in with dinner for a prisoner McCabe glided out and dashed
down the stairs and out into the street. Before he could
get clear, however, the court officers overhauled him. He
will not try it on again, they say.